

REMARKS

Claims 23-40 are pending in the present application. The Examiner rejected all of the pending claims in a final Office Action dated December 12, 2000. Applicant hereby submits a request for continued examination under 37 CFR § 1.114. Applicant's submission under § 1.114 includes this amendment, with claims 29, 30, 32-34, 36-38 and 40 amended, claims 23-28, 31, 35 and 39 cancelled and claims 41-46 added. Reexamination and consideration of the claims are respectfully requested.

The Examiner rejected claims 23-40 under 35 U.S.C. § 103(a) as being unpatentable over Moline et al. (U.S. Pat. No. 5,883,957) (hereinafter Moline) in view of Shioda (U.S. Pat. No. 5,430,243) (hereinafter Shioda) in the final Office Action.

As discussed in a previous reply, the present invention is directed to a communications data processing system in which data received over a communications network is buffered so that the received data can be smoothly processed. Claim 29 is directed to a communications data processing apparatus comprising a receiver, a memory, a judging device and a processor. The receiver receives control data blocks, with each block containing time information and chronological data which represents chronological order. After the memory temporarily stores the control data blocks and the judging device judges from the time information contained in a block that a predetermined time has passed, a processor starts reading the stored control data block in accordance with the chronological data. Claim 29 and its corresponding method claim 33 and medium claim 37 have been amended to include that the processor reads the stored control data block "in accordance with chronological data."

Moline discloses a technique for reading received MIDI data in order. In contrast to the present invention, Moline fails to disclose control data blocks containing sequence data (time information and chronological data which represents chronological order). The Examiner, however, contends that any protocol would have chronological data. It is respectfully submitted that reading received MIDI data in order may be realized without using sequence data. For

example, by transmitting a table containing information for reading control data first, received control data can be read in order with reference to the table. Therefore, reading received MIDI data in order does not mean that Moline uses sequence data to read the MIDI data in order. Because Shioda does not make up for the deficiencies of Moline, claims 29, 33 and 37 as amended are patentable over Moline in view of Shioda.

Claim 30 is directed to a communications data apparatus that receives both control data and recovery data. Claim 30 and its corresponding method claim 34 and medium claim 38 have been amended to emphasize that if the control data is not received, the processing of the control data is recovered by processing the recovery data. Because neither Moline nor Shioda disclose this use of recovery data, claims 30, 34 and 38 as amended are patentable over Moline in view of Shioda.

Claim 32 is directed to a communications data processing apparatus with a receiver that receives control data controlling production of musical tone and containing time information. A remover removes unnatural data in the time sequential flow of the control data from the memory and prevents production of unnatural musical tone. Claim 32 and its corresponding method claim 36 and medium claim 40 have been amended to include that the removal of unnatural data prevents the production of an unnatural musical tone. The cited sections of Moline and Shioda in the Office Action (at paragraph 5) do not disclose the removal of unnatural data to prevent the production of an unnatural musical tone. Because neither Moline nor Shioda disclose this feature, claims 32, 36 and 40 are patentable over the cited references.

New claims 41-46 have been added. Early and favorable consideration of these added claims is respectfully requested.

In view of the foregoing, Applicant respectfully submits that all of the pending claims in the present application are in condition for allowance. If the Examiner feels that it would advance the prosecution of the application, it is respectfully requested that the Examiner telephone the undersigned attorney of record.

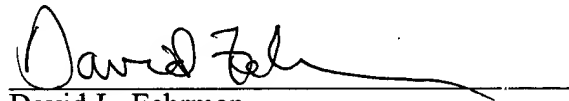
Attached hereto is a marked-up version of the changes made of the specification and claims by the current amendment. The attached page is captioned "**Version with markings to show changes made**".

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 39303.20031.00. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

29. (Amended) A communications data processing apparatus, comprising:
a receiver that receives control data blocks, each block containing time information and chronological data which represents chronological order;
a memory that temporarily stores the control data blocks received by said receiver;
a judging device that judges from the time information contained in the control data block whether a predetermined time has passed; and

a processor that starts [the processing of] reading the control data block[s] temporarily stored in said memory in accordance with said chronological data in said control data block, *not in order*
when said judging device judges that the predetermined time has passed.

30. (Amended) A communications data processing apparatus, comprising:
a receiver that receives control data and recovery data for recovering the control data, each data containing time information;

a memory that temporarily stores the control data and recovery data received by said receiver;

a judging device that judges from the time information contained in the control data whether a predetermined time has passed; and

a processor that starts the processing of the control data or recovery data temporarily stored in said memory when said judging device judges that the predetermined time has passed wherein, when the control data is not received, said processor recovers the processing of the control data by processing the recovery data.

32. (Amended) A communications data processing apparatus, comprising:
a receiver that receives control data controlling production of musical tone and containing time information;
a memory that temporarily stores the control data received by said receiver;
a judging device that judges from the time information contained in the control data whether a predetermined time has passed;
a processor that starts the processing of the control data temporarily stored in said memory when said judging device judges that the predetermined time has passed;
a checking device that checks a time sequential flow of the control data temporarily stored in said memory; and
a remover that removes unnatural data in the time sequential flow of the control data from the memory and prevents production of unnatural musical tone.

33. (Amended) A communications data processing method, comprising the steps of:
(a) receiving control data blocks, each block containing time information and chronological data which represents chronological order;
(b) temporarily storing the control data blocks received by said receiving step;
(c) judging from the time information contained in the control data block whether a predetermined time has passed; and
(d) starting the [processing] reading of the control data block[s] temporarily stored in said storing step in accordance with said chronological data in said control data block, when said judging step judges that the predetermined time has passed.

34. (Amended) A communications data processing method, comprising the steps of:

- (a) receiving control data and recovery data for recovering the control data, each data containing time information;
- (b) temporarily storing the control data and recovery data received by said reception step;
- (c) judging from the time information contained in the control data whether a predetermined time has passed; and
- (d) starting the processing of the control data or recovery data temporarily stored in said storage step when said judging step judges that the predetermined time has passed and, when the control data is not received, recovering the processing of the control data by processing the recovery data.

36. (Amended) A communications data processing method, comprising the steps of:

- (a) receiving control data controlling production of musical tone and containing time information;
- (b) temporarily storing the control data received by said reception step;
- (c) judging from the time information contained in the control data whether a predetermined time has passed;
- (d) starting the processing of the control data temporarily stored in said storage step when said judging step judges that the predetermined time has passed;
- (e) checking a time sequential flow of the control data temporarily stored in said storage step; and
- (f) removing unnatural data in the time sequential flow of the control data from the memory and preventing production of unnatural musical tone.

37. (Amended) A storage medium storing a program, which a computer executes to realize a communications data process, comprising the instructions for:

- (a) receiving control data blocks, each block containing time information and chronological data which represents chronological order;
- (b) temporarily storing the control data blocks received by said receiving step;
- (c) judging from the time information contained in the control data block whether a predetermined time has passed, and
- (d) starting the [processing] reading of the control data block[s] temporarily stored in said storing step in accordance with said chronological data in said control data block, when said judging step judges that the predetermined time has passed.

38. (Amended) A storage medium storing a program, which a computer executes to realize a communications data process, comprising the instructions for:

- (a) receiving control data and recovery data for recovering the control data, each data containing time information;
- (b) temporarily storing the control data and recovery data received by said reception step;
- (c) judging from the time information contained in the control data whether a predetermined time has passed; and
- (d) starting the processing of the control data or recovery data temporarily stored in said storage step when said judging step judges that the predetermined time has passed and, when the control data is not received, recovering the processing of the control data by processing the recovery data.

40. (Amended) A storage medium storing a program, which a computer executes to realize a communications data process, comprising the instructions for:

- (a) receiving control data controlling production of musical tone and containing time information;
- (b) temporarily storing the control data received by said reception step;
- (c) judging from the time information contained in the control data whether a predetermined time has passed;
- (d) starting the processing of the control data temporarily stored in said storage step when said judging step judges that the predetermined time has passed;
- (e) checking a time sequential flow of the control data temporarily stored in said storage step; and
- (f) removing unnatural data in the time sequential flow of the control data from the memory and preventing production of unnatural musical tone.